

Appendix B. Existing Regulations Prior to Adoption of the MSFMP

FISH AND GAME CODE

Article 9. Salt-water and Anadromous Fish Generally

§8399. Squid - restrictions.

North of Point Conception, squid may be taken the year around; however, the commission may adopt regulations specifying the days of the week and the times of the day when squid may be taken.

§8399.1. Squid taking restricted; seine skiff.

(a) In District 10, it is unlawful to engage in the following activities:

(1) Attract squid by a light displayed from any vessel, except a vessel deploying nets for the take, possession, and landing of squid or from the seine skiff of the vessel deploying nets for the take, possession, and landing of squid.

(2) Attract squid by a light displayed from any vessel whose primary purpose is not the deployment, or assisting in the deployment, of nets for the take, possession, and landing of squid.

(3) To encircle any vessel, other than by the seine skiff of a vessel deploying nets for the take, possession, and landing of squid, while that vessel is engaged in the taking of squid.

(b) For purposes of this section, "seine skiff" means a vessel that is not licensed by the federal government or registered by the Department of Motor Vehicles, that is used to assist a larger federally-licensed or state-registered fishing vessel by assisting in the deployment and retrieval of nets and the landing of fish, and that travels with that larger fishing vessel at all times, that is used solely at the direction of the operator of the larger fishing vessel, and that is owned by the owner of the larger fishing vessel.

Article 9.7. Market Squid

§8420. Legislative findings

The Legislature finds and declares that the fishery for market squid (*Loligo opalescens*) is the State's largest fishery by volume, generating millions of dollars of income to the state annually from domestic and foreign sales. In addition to supporting an important commercial fishery, the market squid resource is important to the recreational fishery and is forage for other fish taken for commercial and recreational purposes. The growing international market for squid and declining squid production from other parts of the world has resulted in an increased demand



for California market squid, which, in turn has led to newer, larger, and more efficient vessels entering the fishery and increased processing capacity. The legislature finds that the lack of research on market squid and the lack of annual at-sea surveys to determine the squid could result in over fishing of the resource, damaging the resource, and financially harming those persons engaged in the taking, landing, processing, and sale of market squid. The Legislature further finds that many individuals, vessels, and processing plants engaged in the market squid fishery have no other viable alternative fisheries available to them and that a decline or a loss of the market squid resource would cause economic devastation to the individuals or corporations engaged in the market squid fishery. The Legislature declares that to prevent excessive fishing effort in the market squid fishery and to develop a plan for the sustainable harvest of market squid, it is necessary to limit the number of days of the week market squid may be taken and to develop a plan for a sustainable California market squid fishery.

§8420.5. Commercial taking of market squid.

North of a line extending due west magnetic from Point Conception, market squid may be taken for commercial purposes only between noon on Sunday and noon on Friday of each week.

§8421. Commercial market squid vessel permit.

(a) On or after April 1, 1998, no person shall use a vessel to take or land market squid with dip nets (commonly referred to as scoop nets), purse seine nets, or lampara nets for commercial purposes unless the owner of that vessel has been issued a commercial market squid vessel permit by the department that has not been suspended or revoked.

(b) A commercial market squid vessel permit shall be issued only for vessels employing dip, purse seine, or lampara nets for the taking of market squid for commercial purposes. No permit is required for any vessel taking or landing market squid for commercial purposes if the amount taken by the vessel does not exceed two tons landed in a calendar day or if the squid taken is used for live bait only. No other nets shall be used for the taking of market squid from a vessel for commercial purposes. Furthermore, it is unlawful to possess in excess of two tons of incidentally taken squid per trip.

(c) A commercial market squid vessel permit shall be issued to a person only if that person is the owner of record of the commercial fishing vessel for which the permit is issued and the vessel is registered with the department pursuant to Section 7881.

(d) A commercial market squid vessel permit shall be issued only to the person who owns the vessel at the time of application for that permit. For purposes of this subdivision, an owner includes any person who has a lease-purchase agreement for the purchase of a vessel.

(e) No person who is issued a commercial market squid vessel permit shall sell, trade, or transfer the permit to another person.



- (f) A commercial market squid vessel permit shall be issued annually, commencing with permit for the 1998-99 permit year.
- (g) A violation of the section does not constitute a misdemeanor; however, pursuant to Section 7857, the commission may revoke or suspend the commercial market squid vessel permit or commercial fishing license held by any person who violates this section.
- (h) Squid landed in excess of the limit specified in subdivision (b) of Section 8421 without a permit shall be forfeited to the department by the signing of an official release of property form. The squid shall be sold or disposed of in a manner to be determined by the department. The proceeds from all sales shall be paid into the Fish and Game Preservation Fund.

§8421.5. Permit holder of partnership or corporation.

If a commercial market squid vessel permit is issued for a vessel that is owned by a bonafide partnership or corporation, that partnership or corporation shall designate the individual who is the operator and shall provide that information to the department annually at the time of issuing the permit. If there is a dissolution of the partnership or the corporation, the partnership or corporation shall notify the department of the name of the partner or shareholder who is the successor permit holder and the department shall reissue the permit to that partner or shareholder.

§8422. Fees for permit; renewal.

- (a) The fee for a commercial market squid vessel permit shall be four hundred dollars (\$400).
- (b) All applications for a commercial market squid vessel permit for the 1998-99 permit year shall be received by the department on or before April 30, 1998, or, if mailed, shall be postmarked by April 30, 1998. In order to renew a permit, an applicant shall have been issued a commercial market squid vessel permit in the immediately preceding year. Applications for renewal of the permit shall be received by the department on or before April 30 of each year, or, if mailed, shall be postmarked by April 30 of each year.
- (c) Notwithstanding Section 7852.2, a penalty of two hundred fifty dollars (\$250) shall be paid in addition to the fee required under subdivision (a) for applications that do not meet the deadline specified in subdivision (b) but that are received by the department on or before May 31 of any year.
- (d) The department shall deny all applications received after May 31 of each year, and the application shall be returned to the applicant who may appeal the denial to the commission. If the commission issues a permit following an appeal, it shall assess the late penalty prescribed by subdivision (c).



§8423. Commercial squid light boat owner's permit.

- (a) No person shall operate a squid light boat unless the owner of the boat has been issued a commercial squid light boat owner's permit by the department and a permit number is affixed to the boat in the manner prescribed by the department.
- (b) The department shall issue a commercial squid light boat owner's permit to a person who submits an application, pays the permit fee, and meets the other requirements of this section.
- (c) The department may regulate the use of squid light boats consistent with the regulations established for commercial squid vessels.
- (d) The fee for a commercial squid light boat owner's permit shall be four hundred dollars (\$400).
- (e) It is unlawful for a person to engage in the following activities, unless the vessel used for the activity has been issued a commercial market squid vessel permit or the person holds a commercial squid light boat owner's permit:
 - (1) Attracting squid by light displayed from a vessel, except from a vessel deploying nets for the take, possession, and landing of squid or except from the seine skiff of the vessel deploying nets for the take, possession, and landing of squid.
 - (2) Attracting squid by light displayed from a vessel whose primary purpose is other than deployment, or assistance in the deployment, of nets for the take, possession, and landing of squid.
- (f) A commercial squid light boat owner's permit shall be issued to a person who is the owner of record of a vessel that is registered with the department pursuant to Section 7881. For purposes of this subdivision, an owner includes any person who has a lease-purchase agreement for the purchase of a vessel.

§8423.5 Fees for permit; renewal.

- (a) All applications for a commercial squid light boat owner's permit for the 1998 permit year shall be received by the department on or before April 30, 1998, or, if mailed, shall be postmarked by April 30, 1998. In order to renew a permit, an applicant shall have been issued a commercial squid light boat owner's permit in the immediately preceding year. Applications for renewal of the permit shall be received by the department on or before April 30 of each year, or, if mailed shall be postmarked by April 30 of each year.
- (b) Notwithstanding Section 7852.2, a penalty of two hundred fifty dollars (\$250) shall be paid in addition to the fee required under subdivision (a) for applications that do not meet the deadline specified in subdivision (b) but that are received by the department on or before May 31 of any year.
- (c) The department shall deny all applications received after May 31 of each year, and the application shall be returned to the applicant who may appeal the denial to the commission. If the commission issues a license following an appeal, it shall assess the late penalty prescribed by subdivision (b).



§8424. Purchase of squid from vessel.

(a) No person shall purchase squid from a vessel or vessels unless that person holds a license issued pursuant to Section 8032 or 8033, employs a certified weigh master, and the facilities operated by the person are located on a permanent, fixed location.

(b) Notwithstanding any other provision of law, this section shall not apply to the transfer at sea of squid for live bait in an amount less than 200 pounds in a calendar day.

§8425. Annual squid management regulations.

On or after April 1, 1998, and annually thereafter, the commission, upon the recommendation of the director, after a public hearing at which findings are adopted, shall adopt regulations to protect the squid resource and manage the squid fishery at a sustainable level, taking into account the level of fishing effort and ecological factors, including but not limited to, the species' role in the marine ecosystem and oceanic conditions.

§8426. Fishery status report; recommendations for market squid conservation and management plan.

(a) The director shall be responsible for the development of research protocols and the development of recommendations for the management of the squid fishery as set forth in subdivision (c) and for the conduct of public hearings to receive information on the resource and the fishery. The director may establish a Squid Research Scientific Committee consisting of persons with scientific knowledge or expertise on the squid resource or fishery, who may be employed by academic institutions, public or private research institutions, or the private sector. The committee, if established, shall assist in the development of research protocols and the preparation and review of the market squid conservation and management plan as described in subdivision (c). The department shall pay, from revenues derived pursuant to this article, the necessary costs of the committee, including a per diem to all members, as determined by the department.

(b) The director may establish a Squid Fishery Advisory Committee consisting of members representing licensed squid fishermen, squid processor, the recreational fishing industry, squid light boat owners, marine conservation organizations, and the Sea Grant Marine Advisory Program.

(c) The director shall hold public hearings to take testimony on interim measures, squid research needs, and the development of the management recommendations to be included in the report to the Legislature. Notwithstanding Section 7550.5 of the Government Code, on or before April 1, 2001, in consultation with the Squid Fishery Advisory Committee, if established, and following public hearings, the director shall submit to the Legislature a report on the status of the market squid fishery with



recommendations for a market squid conservation and management plan, including, but not limited to, the following information:

- (1) Whether a limited access plan to manage the amount of fishing effort in the market squid fishery is necessary and, if so, what criteria should be used to determine who may participate in the fishery, what the optimum number of vessels should be in the fishery, and the overall fleet capacity.
- (2) Whether it is necessary or advisable to reduce the number of days of the week that market squid may be taken for commercial purposes in specified areas of the state to protect the squid resource.
- (3) Whether there are areas, if any, that should be declared harvest replenishment areas for squid where the taking of squid would not be permitted.
- (4) A research and monitoring program of the market squid resource as may be needed to assist in the management of the market squid fishery to assure sustainable harvest on an annual basis and funding for that program.
- (5) The regulation of squid light boats.
- (6) Coordination that may be necessary with a federal coastal pelagic species management plan, should one be adopted.
- (7) Whether it is necessary or advisable to modify the method of take or the use of fishing gear.

§8427. Transfer of permit to replacement vessel.

- (a) A commercial market squid vessel permit issued pursuant to Section 8422 or a commercial squid light boat owner's permit issued pursuant to Section 8423 may be transferred to another vessel owned by the permit holder, if the vessel is of comparable capacity as determined by United States Coast Guard documentation papers, and only if the permitted vessel was lost, stolen, destroyed, or suffered a major mechanical breakdown.
- (b) The department shall not issue a permit for a replacement vessel if the permitted vessel was reported as lost, stolen, destroyed, or damaged for fraudulent purposes.
- (c) Only the permit holder at the time of the loss, theft, destruction, or mechanical breakdown of the vessel may apply for the transfer of the vessel permit. Proof that a vessel is lost, stolen, or destroyed shall be in the form of a copy of the report filed with the United States Coast Guard or any other law enforcement agency or fire department investigating the loss.
- (d) The vessel owner shall submit an application for the transfer to the department on a form provided by the department and shall pay a non-refundable transfer fee of two hundred fifty dollars (\$250) for each transfer of a market squid vessel permit or a commercial squid light boat owner's permit.
- (e) The permit for the permitted vessel shall be current, and the owner of the permitted vessel shall make assurances in the transfer application that any renewal of the permit which becomes due during the application processing period will be made.



- (f) The owner of the permitted vessel shall submit evidence with the transfer application sufficient to establish that he or she is the owner of the permitted vessel and the owner of the replacement vessel at the time of the application for transfer.
- (g) The vessel owner shall sign the transfer application under penalty of perjury and shall certify that the information included in the application is true to the best of his or her knowledge and belief.

§8428. Use of funds.

An amount not to exceed the sum collected annually from permit fees paid pursuant to Sections 8422 and 8423 may be used for the purposes of this article, including any research that may be necessary for the development of recommendations from the Legislature.

§8429. Material false statements-penalties.

Any statement made to the department, orally or in writing, relating to a permit issued under this article, shall be made under penalty of perjury. The commission shall revoke the commercial fishing license, the commercial boat registration of any vessel, and, if applicable, any licenses issued pursuant to Section 8032, 8033, or 8034 that are held by any person submitting material false statements, as determined by the commission, for the purpose of obtaining a commercial market squid vessel permit.

§8429.5. Authority of director and commission.

Notwithstanding any other provision of law, nothing in this article shall prohibit or otherwise limit the authority of the director or the commission under any other law.

§8429.7. Repeal of article

Sections 8420.5 to 8423.5, inclusive, and Sections 8426 and 8427 shall become inoperative upon the adoption by the commission of a market squid fishery management plan and the adoption of implementing regulations pursuant to Section 8425, and are repealed six months thereafter.

CALIFORNIA CODE OF REGULATIONS

149. Commercial Taking of Market Squid.

- (a) Fishing days. North of a westerly extension of the United States --Republic of Mexico boundary line, market squid may not be taken for commercial purposes between 1200 hours (noon) on Friday and 1200 hours (noon) on Sunday of each week. This regulation applies to vessels catching squid or attracting squid with lights



for the purpose of catching. This regulation does not apply to vessels pursuing squid for live bait purposes only.

(b) Records. Pursuant to Section 190 of these regulations, any person who possesses a valid market squid vessel permit or squid light boat owners permit shall complete and submit an accurate record of his/her squid fishing/lighting activities on a form [Market Squid Vessel Logbook - DFG 149a (4/99), or Market Squid Light Boat Logbook - DFG 149b (4/99), which are incorporated by reference herein] provided by the department, as appropriate to the type of fishing activity.

(c) Maximum Wattage. Each vessel fishing for squid or lighting for squid will utilize a total of no more than 30,000 watts of lights to attract squid at any time.

(d) Light Shields. Each vessel fishing for squid or lighting for squid will reduce the light scatter of its fishing operations by shielding the entire filament of each light used to attract squid and orienting the illumination directly downward, or providing for the illumination to be completely below the surface of the water.

(e) Seasonal Harvest Guideline. For the period from April 1 through March 31 of the following year, a total of not more than 125,000 short tons of market squid may be taken by vessels permitted under Section 8421 of the Fish and Game Code, with the fishery closure implemented as follows:

(1) The department shall estimate, from the current trend in landings, when the market squid harvest guideline will be reached, and will publicly announce the effective date of closure of the directed fishery on VHF/channel 16 between the hours of 10:00 p.m. and 12:00 a.m. (midnight). It shall be the responsibility of all operators of permitted market squid vessels to monitor VHF/channel 16 to determine when the harvest guideline is expected to be reached and the fishery closed. Any announcement issued or made by the department on VHF/channel 16 shall constitute official notice.

(2) Whenever the market squid harvest guideline has been reached, market squid may be taken for commercial purposes until April 1 only pursuant to Section 8421(b) of the Fish and Game Code.

